

JOSEPH P. RUSSONIELLO, CSBN 44332

United States Attorney

JOANN M. SWANSON, CSBN 88143

Chief, Civil Division

EDWARD A. OLSEN, CSBN 214150

Assistant United States Attorney

450 Golden Gate Avenue, Box 36055

San Francisco, California 94102

Telephone: (415) 436-6915

FAX: (415) 436-6927

Attorneys for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

BYUNG HOON CHUNG, individually;

DUK BONG CHUNG, individually;

MYUNG BIN CHUNG, individually;

KUO CHUL CHUNG, individually; on behalf
of themselves and all others similarly situated,

Plaintiffs,

v.

MICHAEL MUKASEY, Attorney General

of the United States; DEPARTMENT OF

HOMELAND SECURITY; MICHAEL

CHERTOFF, Secretary of DHS;

and DOES 1 through 20, inclusive

Defendants.

No. C 07-5554 SC

**DECLARATION OF EDWARD A.
OLSEN**

Pursuant to Local Rule 7-5 and 28 U.S.C. § 1746, I, Edward A. Olsen, declare as follows:

1. I am employed as an Assistant United States Attorney for the Northern District of California and have been assigned *Chung v. Mukasey*, No. C 07-5554-SC. As such, I have personal knowledge of the following facts and could testify regarding these facts if called to do so.

2. At the inception of this case, the United States Immigration and Customs Enforcement (formerly, the Immigration and Naturalization Service) provided me with the relevant portions of the Chungs' administrative files. Moreover, the Department of Justice's Office of Immigration Litigation provided me with true and correct copies of filings that have been made in the United

OLSEN DECLARATION
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1 States Court of Appeals in *Chung v. Mukasey*, Appeal No. 06-71728.

2 3. Attached as Exhibit A is a true and correct copy of the Immigration Judge's Oral Decision,
3 dated April 20, 2005, directing the Chungs' removal from the United States.

4 4. Attached as Exhibit B is a true and correct copy of the Board of Immigration Appeals'
5 decision, dated March 9, 2005, affirming the Immigration Judge's Oral Decision.

6 5. Attached as Exhibit C is a true and correct copy of the United States Court of Appeals for
7 the Ninth Circuit's Docket Sheet for *Chung v. Mukasey*, Appeal No. 06-71728.

8 6. Attached as Exhibit D is a true and correct copy of the Chungs' Opening Brief in the Ninth
9 Circuit in *Chung v. Mukasey*, Appeal No. 06-71728.

10 7. Attached as Exhibit E is a true and correct copy of the government's Answering Brief in the
11 Ninth Circuit in *Chung v. Mukasey*, Appeal No. 06-71728.

12 8. Attached as Exhibit F is a true and correct copy of the Chungs' Reply Brief in the Ninth
13 Circuit in *Chung v. Mukasey*, Appeal No. 06-71728.

14 9. Attached as Exhibit G is a true and correct copy of the Chungs' Motion to Remand in the
15 Ninth Circuit in *Chung v. Mukasey*, Appeal No. 06-71728.

16 10. Attached as Exhibit H is a true and correct copy of the government's Opposition to Motion
17 to Remand in the Ninth Circuit in *Chung v. Mukasey*, Appeal No. 06-71728.

18 11. Attached as Exhibit I is as true and correct copy of the Ninth Circuit's Order, dated July
19 30, 2007, denying the Chungs' Motion to Remand in *Chung v. Mukasey*, Appeal No. 06-71728.

20 12. Attached as Exhibit J is a true and correct copy of the Chungs' and the government's Joint
21 Status Report filed in *Chung v. Mukasey*, Appeal No. 06-71728.

22 13. Attached as Exhibit K is a true and correct copy of the Ninth Circuit's Order, dated August
23 23, 2007, in *Chung v. Mukasey*, Appeal No. 06-71728, withdrawing the case from submission
24 pending resolution of a proposed joint motion to reopen to be filed with the Board of Immigration
25 Appeals.

26 14. Attached as Exhibit L is a true and correct copy of the Ninth Circuit's Order, dated August
27 23, 2007, directing the parties to file another joint status report in *Chung v. Mukasey*, Appeal No.
28 06-71728.

OLSEN DECLARATION
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1 15. Attached as Exhibit M is a true and correct copy of the Chungs' and the government's
2 second Joint Status Report filed in *Chung v. Mukasey*, Appeal No. 06-71728.

3 16. Attached as Exhibit N is a true and correct copy of the Ninth Circuit's Order, dated
4 December 7, 2007, stating that submission of the case would continue to be withdrawn and
5 directing the parties to file another status report in *Chung v. Mukasey*, Appeal No. 06-71728.

6 17. Attached as Exhibit O is a true and correct copy of the Chungs' Motion to Stay Matter
7 Pending Decision in the Related District Court Action, filed in *Chung v. Mukasey*, Appeal No. 06-
8 71728.

9 18. Attached as Exhibit P is a true and correct copy of the government's Opposition to the
10 Chungs' Motion to Stay Matter Pending Decision in the Related District Court Action and Motion
11 to Submit in *Chung v. Mukasey*, Appeal No. 06-71728.

12 19. Attached as Exhibit Q is a true and correct copy of the Ninth Circuit's Order, dated
13 January 10, 2008, denying the Chungs' motion to stay as moot because the Ninth Circuit's
14 December 7, 2007 order continuing the court's prior withdrawal of submission remains in effect.

15 20. Attached as Exhibit R is a true and correct copy of a Westlaw print-out of the Ninth
16 Circuit's opinion in *Hong v. Mukasey*, ___ F.3d ___, 2008 WL 564978 (9th Cir. Mar. 4, 2008).

17 21. Attached as Exhibit S is a true and correct copy of a Westlaw print-out of the Ninth
18 Circuit's opinion in *Shin v. Mukasey*, ___ F.3d ___, 2008 WL 564982 (9th Cir. Mar. 4, 2008).

19 I declare under penalty of perjury that the foregoing is true and correct and that this
20 declaration was executed under the laws of the United States on this 7th day of March 2008, in San
21 Francisco, California.

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23 _____
24 /s/
25 EDWARD A. OLSEN
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